

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	
)	
NATIONAL FORGE COMPANY, <i>et al.</i>)	
)	
Debtor.)	
)	
OFFICIAL COMMITTEE OF)	
UNSECURED CREDITORS OF)	
NATIONAL FORGE COMPANY,)	
)	
Plaintiff)	
)	
And)	
)	
OFFICIAL COMMITTEE OF RETIREES)	
OF NATIONAL FORGE COMPANY,)	
)	
Intervenors)	
)	C.A. No. 04-21 ERIE
v.)	
)	
E. ROGER CLARK, <i>et al.</i>)	
)	
Defendants)	

MOTION FOR LEAVE TO FILE BRIEF EXCEEDING PAGE RESTRICTIONS

AND NOW comes the Official Committee of Unsecured Creditors of National Forge Company, *et al.*, the Plaintiff, and the Official Committee of Retirees of National Forge Company, the Intervenor (collectively the "Committee" or the "Plaintiff"), by and through their undersigned counsel, and submits the within Motion for Leave to File Brief Exceeding Page Restrictions, and in support thereof represents as follows:

1. On January 31, 2003, Plaintiff commenced the instant action by filing a Complaint seeking, *inter alia*, to bring claims for fraudulent transfers under the Pennsylvania

Fraudulent Transfer Act (“PAUFTA”) and for breach of the Pennsylvania Business Corporation Law.

2. On August 22, 2005, the Plaintiff filed an Amended Complaint.

3. On September 26, 2005, Defendants E. Roger Clark, Maurice J. Cashman, Dana Beyeler and Robert A. Kaemmerer filed a Motion for Summary Judgment (the “Motion”) and Brief in Support (the “Brief”). The remaining Defendants joined in the Motion and the Brief.

4. On October 17, 2005, Plaintiff filed its Brief in Opposition to Summary Judgment (the “Brief in Opposition”), which totaled thirty-two (32) pages.

5. Pursuant to the Section II.B of Your Honor’s Local Practices and Procedures, the page restriction applicable to briefs is twenty-five (25) pages.

6. Plaintiff respectfully requests leave of court to file its Brief in Opposition in excess of the page restrictions imposed by this Court’s Practices and Procedures. The arguments raised in the Motion and the Brief implicate complex issues of federal and state law that require a discussion and analysis that exceeds twenty-five (25) pages.

WHEREFORE, Plaintiff respectfully requests that this Court enter an order granting leave for the Plaintiff to file a Brief in Opposition to Summary Judgment exceeding the twenty-five (25)-page restriction imposed by this Court’s Practices and Procedures.

Respectfully submitted,

LEECH TISHMAN FUSCALDO & LAMPL, LLC

Date: 10/17/05

By: 

David W. Lampl, Esquire

PA ID No.: 28900

John M. Steiner, Esquire

PA ID No.: 79390

525 William Penn Place, 30th Floor

Pittsburgh, PA 15219

(412) 261-1600

Counsel for the Official Committee of
Unsecured Creditors

Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc.

/s/ Lawrence C. Bolla

Lawrence C. Bolla, Esquire

Arthur Martinucci, Esquire

2222 West Grandview Blvd.

Erie, PA 16506-4508

Counsel for Retirees' Committee